

Remarks

Claims 1-9 and 11 are pending in the application and stand rejected.

Claim rejections

Section 112

Claims 1-9 and 11 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The Applicant respectfully traverses. In support of the rejection, the Office Action states that the “applicant discloses that only an oxidant passes through the gas passage.” The Applicant respectfully disagrees that this in any way indicates lack of enablement. The claims recite a gas passage; an oxidant is a gas. Further, it is well-settled that the claims as originally filed form part of the supporting disclosure. The claims as originally filed recited a gas passage, without any limitation as to a kind of gas or multiple different gases.

As to the specific limitation “a gas inlet of the separator and a gas outlet of the separator are located at a same side of the separator and opposite to the bypass,” this is supported at least by FIG. 3 and paragraph [0027] of the specification: “In the embodiment shown in FIG. 3, as for at least one of the gas channels 27, 28 (e.g., the oxidizing gas channel 28), the gas inlet 27a, 28a and the gas outlet 27b, 28b are located on the same side (the same edge side) of the separator 18. However, it is not altogether necessary that the gas inlet 27a, 28a and the gas outlet 27b, 28b be located on the same side of the separator 18.”

Finally, although disclosure of multiple gases is not required to support “a gas passage,” it is noted that the above discloses multiple gases, i.e., a fuel gas (corresponding to inlet/outlet 27a/27b) and an oxidizing gas (corresponding to inlet/outlet 28a/28b). Please also see paragraph [0021]: “Each separator 18 has a fuel gas channel 27 for supplying a fuel gas (hydrogen) to the anode 14, and an oxidizing gas channel 28 for supplying an oxidizing gas (oxygen, or air in ordinary cases) to the cathode 17.”

In view of the above, withdrawal of the rejection is respectfully requested.

Section 103

Claims 1-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins *et al.* (USP 6,322,915) (“Collins”). The Applicant respectfully traverses. Collins cannot support the rejection for at least the reason that Collins does not teach or suggest “a gas inlet of the separator and a gas outlet of the separator are located at a same side of the separator and opposite to the bypass” as recited in independent claims 1 and 6. The Office Action alleges that this is simply routine “rearranging [of] parts of an invention.” However, the Examiner is respectfully reminded that “[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art.” MPEP § 2143.01.

Collins contains no suggestion of the noted feature. The Office Action cites FIG. 5, number 128 of Collins. However, the latter does not relate to a gas passage at all. Instead, it relates to a coolant flow field. To clarify this difference, the claims have been amended above to recite that the gas passage faces an electrode of the fuel cell. The coolant flow field of Collins, on the other hand, is for a coolant such as liquid water (see, e.g., col. 6, line 13). This coolant is not for power generation like the fuel gas and oxidizing gas of the claimed gas passage, and therefore does not face an electrode. Collins’ disclosure relates to various embodiments of a coolant flow field 34, which as can be seen in FIG. 1 is away from an MEA 46 and not involved in power generation.

Accordingly, Collins is completely silent with regard to a gas passage having the claimed features. Withdrawal of the rejection is therefore respectfully requested.

Conclusion

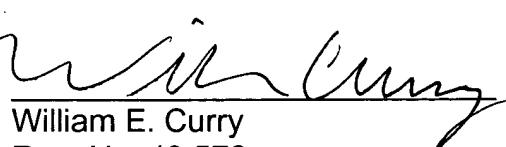
In light of the above discussion, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4323 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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